

REMARKS

This is in response to the Office Action dated December 30, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claims 1-7 are amended; and claim 8 is newly presented. Thus, claims 1-8 are currently pending in the present application.

The specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the amendments, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

Next, on page 2 of the Office Action, claims 4, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph. In response, these claims have been amended to remove the language considered indefinite by the Examiner. Accordingly, it is submitted that the rejection of claims 4, 6 and 7 is now clearly obviated.

Next, on pages 2-4 of the Office Action, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuyama (U.S. Patent No. 5,803,309). It is submitted that the present invention, as embodied by the present claims, now clearly distinguishes over the Yuyama reference for the following reasons.

The present invention, as defined in independent claim 1, requires, *inter alia*, a partitioning member including a partitioning portion having a brush-like shape and including a

plurality of brush elements that extend into the pockets as they rotate through the discharge position such that the tablets retained in the pockets of the tablet array member are discharged by a predetermined number, wherein a first portion of the brush elements located at an end of the partitioning portion are linear members and a second plurality of the brush elements have a U-shape so as to provide a rounded tip portion.

New independent claim 8 requires that the brush elements include at least two brush elements that are connected so as to form a tip bent in a U-shape.

Yuyama discloses a partitioning member 14 comprising a partitioning portion 15 formed from a plurality of elastic bristles 17 that are tilted in a downstream direction and project in a comb-like shape. However, the brush elements disclosed in the Yuyama reference are elastic bristles that elastically deform, and thus would encounter the same problems that are addressed by the present invention (see present specification at paragraph 0007).

In the explanation of the rejection, the Examiner takes the position that Yuyama discloses that "at least part of brush element (15) among the brush elements (fibers) constituting the partitioning portion of the partitioning member (15 and 16) has a tip bent in a U-shape (see Figure 7; Member 14)."

However, in the partitioning member 14, each of the brush elements has a straight tip which is not bent. Clearly, the Yuyama partitioning member does not disclose nor suggest two adjacent elements connected so as to form a tip bent in a U-shape. Since the Yuyama reference does not meet each and every limitation of claim 1 or claim 8, these claims cannot be anticipated under 35 U.S.C. 102(b).

Further, in the present invention, since at least part of the brush elements have a tip bent in a U-shape, it is possible to increase the elastic restoring force when the brush element is deflected due to contact with the tablet and released from the contact pressure. Also, the construction of the brush elements prevents the brush elements from being plastically deformed due to repeated use. Accordingly, the present invention overcomes the problems associated with the type of partitioning member employed in the Yuyama tablet feeder.

Further, claims 2-7 depend, directly or indirectly, from claim 1, and are therefore allowable at least by virtue of their dependencies.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Tasuku MINAMI et al.

By: 

Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 30, 2009